

REMARKS

On or about July 7, 2006, the Examiner initiated a telephone conference which took place on or about July 10, 2006. The Examiner stated his intention to require restriction of examination to any one of claims 1, 2 or 3. Applicant's attorney did not traverse the requirement with respect to Claim 3, but did traverse the requirement to elect between Claims 1 and 2. The latter claims are clearly directed to the same invention and, indeed, Claim 2 depends from Claim 1. Applicant's attorney indicated he would provisionally elect to pursue examination of Claim 1, but maintain his traverse with respect to Claim 2.

No Office Action has been issued in the seven months since that telephone conference. Applicant's attorney has submitted a request for the status of examination, but **has not** yet received a response to that request.

This Preliminary Amendment is submitted in an effort to expedite examination. Claim 3 has been canceled, and hence no longer is the subject of examination. Claim 1 has been amended so that it covers any mode of fabrication of the fixture. Claim 2 has been amended to more clearly define the method of insertion.

It is respectfully submitted that Claims 1 and 2 are clearly patentably distinguishable from the prior art which was cited against them in the parent PCT application. Indeed, the PCT examiner conceded that the prior art was of little significance. There is no teaching in the prior art of a fixture having an arcuate anchor whose center of curvature is approximately at the center of curvature of its hook.

Prompt and favorable examination is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135.

Respectfully submitted,

FITCH, EVEN, TABIN & FLANNERY

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